

AMENDED IN ASSEMBLY APRIL 21, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 879

Introduced by Assembly Member Burke

February 26, 2015

An act to amend, *repeal, and add* Sections 290.1, 290.2, 291, 292, 293, 294, 295, and 316.1 of the Welfare and Institutions Code, relating to juveniles.

LEGISLATIVE COUNSEL’S DIGEST

AB 879, as amended, Burke. Juveniles: court proceedings: notice.

Existing law authorizes the juvenile court to adjudge a minor who has been abused or neglected, or who meets other specified criteria, to be a dependent child of the court. Existing law requires the court to conduct various hearings regarding children who are, or who may become, dependent children, including a detention hearing, jurisdictional hearing, and dispositional hearing. Existing law requires the probation officer, the social worker, or the clerk of the court to provide notice of those hearings to certain persons, including parents, guardians, the child, if he or she is 10 years of age or older, adult relatives under certain conditions, and attorneys for the parents or guardians, as specified.

This bill would, *until January 1, 2019, generally* allow service for the above purposes to be made by electronic mail if the county, or city and county, and the court choose to permit service by electronic mail and the person to be served has consented to service by electronic mail by signing a specified form, *as provided*.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 290.1 of the Welfare and Institutions Code is amended to read:

290.1. If the probation officer or social worker determines that the child shall be retained in custody, he or she shall immediately file a petition pursuant to Section 332 with the clerk of the juvenile court, who shall set the matter for hearing on the detention hearing calendar. The probation officer or social worker shall serve notice as prescribed in this section.

(a) Notice shall be given to the following persons whose whereabouts are known or become known prior to the initial petition hearing:

(1) The mother.

(2) The father or fathers, presumed and alleged.

(3) The legal guardian or guardians.

(4) The child, if the child is 10 years of age or older.

(5) Any known sibling of the child who is the subject of the hearing if that sibling either is the subject of a dependency proceeding or has been adjudged to be a dependent child of the juvenile court. If the sibling is 10 years of age or older, the sibling, the sibling's caregiver, and the sibling's attorney. If the sibling is under 10 years of age, the sibling's caregiver and the sibling's attorney. However, notice is not required to be given to any sibling whose matter is calendared in the same court on the same day.

(6) If there is no parent or guardian residing in California, or if the residence is unknown, then to any adult relative residing within the ~~county~~ county, or if none, the adult relative residing nearest the court.

(7) The attorney for the parent or parents, or legal guardian or guardians.

(8) The district attorney, if the district attorney has notified the clerk of the court that he or she wishes to receive the petition, containing the time, date, and place of the hearing.

(9) The probate department of the superior court that appointed the guardian, if the child is a ward of a guardian appointed pursuant to the Probate Code.

(b) No notice is required for a parent whose parental rights have been terminated.

1 (c) The notice shall be given as soon as possible after the filing
2 of the petition.

3 (d) The notice of the initial petition hearing shall include all of
4 the following:

5 (1) The date, time, and place of the hearing.

6 (2) The name of the child.

7 (3) A copy of the petition.

8 (e) Service of the notice shall be written or oral. If the person
9 being served cannot read, notice shall be given orally. ~~Written~~
10 *Except as provided in subdivisions (f), (g), and (h), written notice*
11 *may be served by electronic mail if the county, or city and county,*
12 *and the court choose to permit service by electronic mail and the*
13 *person to be served has consented to service by electronic mail by*
14 *signing Judicial Council Form EFS-005.*

15 (f) If the probation officer or social worker knows or has reason
16 to know that an Indian child is involved, notice shall be given in
17 accordance with Section 224.2.

18 (g) *Except as provided in subdivision (h), if notice is required*
19 *to be provided to a child pursuant to paragraph (4) or (5) of*
20 *subdivision (a), written notice may be served on the child by*
21 *electronic mail only if all of the following requirements are*
22 *satisfied:*

23 (1) *The county, or city and county, and the court choose to*
24 *permit service by electronic mail.*

25 (2) *The child is 16 years of age or older.*

26 (3) *The child has consented to service by electronic mail by*
27 *signing Judicial Council Form EFS-005.*

28 (4) *The attorney for the child has consented to service of the*
29 *minor by electronic mail by signing Judicial Council Form*
30 *EFS-005.*

31 (h) *If notice is required to be provided to a child pursuant to*
32 *paragraph (4) or (5) of subdivision (a), written notice may be*
33 *served on the child by electronic mail as well as by regular mail*
34 *if all of the following requirements are satisfied:*

35 (1) *The county, or city and county, and the court choose to*
36 *permit service by electronic mail.*

37 (2) *The child is 14 or 15 years of age.*

38 (3) *The child has consented to service by electronic mail by*
39 *signing Judicial Council Form EFS-005.*

1 (4) *The attorney for the child has consented to service of the*
2 *minor by electronic mail by signing Judicial Council Form*
3 *EFS-005.*

4 (i) *This section shall remain in effect only until January 1, 2019,*
5 *and as of that date is repealed, unless a later enacted statute, that*
6 *is enacted before January 1, 2019, deletes or extends that date.*

7 SEC. 2. *Section 290.1 is added to the Welfare and Institutions*
8 *Code, to read:*

9 290.1. *If the probation officer or social worker determines that*
10 *the child shall be retained in custody, he or she shall immediately*
11 *file a petition pursuant to Section 332 with the clerk of the juvenile*
12 *court, who shall set the matter for hearing on the detention hearing*
13 *calendar. The probation officer or social worker shall serve notice*
14 *as prescribed in this section.*

15 (a) *Notice shall be given to the following persons whose*
16 *whereabouts are known or become known prior to the initial*
17 *petition hearing:*

18 (1) *The mother.*

19 (2) *The father or fathers, presumed and alleged.*

20 (3) *The legal guardian or guardians.*

21 (4) *The child, if the child is 10 years of age or older.*

22 (5) *Any known sibling of the child who is the subject of the*
23 *hearing if that sibling either is the subject of a dependency*
24 *proceeding or has been adjudged to be a dependent child of the*
25 *juvenile court. If the sibling is 10 years of age or older, the sibling,*
26 *the sibling's caregiver, and the sibling's attorney. If the sibling is*
27 *under 10 years of age, the sibling's caregiver and the sibling's*
28 *attorney. However, notice is not required to be given to any sibling*
29 *whose matter is calendared in the same court on the same day.*

30 (6) *If there is no parent or guardian residing in California, or*
31 *if the residence is unknown, then to any adult relative residing*
32 *within the county, or if none, the adult relative residing nearest*
33 *the court.*

34 (7) *The attorney for the parent or parents, or legal guardian or*
35 *guardians.*

36 (8) *The district attorney, if the district attorney has notified the*
37 *clerk of the court that he or she wishes to receive the petition,*
38 *containing the time, date, and place of the hearing.*

1 (9) *The probate department of the superior court that appointed*
2 *the guardian, if the child is a ward of a guardian appointed*
3 *pursuant to the Probate Code.*

4 (b) *No notice is required for a parent whose parental rights*
5 *have been terminated.*

6 (c) *The notice shall be given as soon as possible after the filing*
7 *of the petition.*

8 (d) *The notice of the initial petition hearing shall include all of*
9 *the following:*

10 (1) *The date, time, and place of the hearing.*

11 (2) *The name of the child.*

12 (3) *A copy of the petition.*

13 (e) *Service of the notice shall be written or oral. If the person*
14 *being served cannot read, notice shall be given orally.*

15 (f) *If the probation officer or social worker knows or has reason*
16 *to know that an Indian child is involved, notice shall be given in*
17 *accordance with Section 224.2.*

18 (g) *This section shall become operative on January 1, 2019.*

19
20 ~~SEC. 2.~~

21 SEC. 3. Section 290.2 of the Welfare and Institutions Code is
22 amended to read:

23 290.2. Upon the filing of a petition by a probation officer or
24 social worker, the clerk of the juvenile court shall issue notice, to
25 which shall be attached a copy of the petition, and he or she shall
26 cause the same to be served as prescribed in this section.

27 (a) Notice shall be given to the following persons whose address
28 is known or becomes known prior to the initial petition hearing:

29 (1) The mother.

30 (2) The father or fathers, presumed and alleged.

31 (3) The legal guardian or guardians.

32 (4) The child, if the child is 10 years of age or older.

33 (5) Any known sibling of the child who is the subject of the
34 hearing if that sibling either is the subject of a dependency
35 proceeding or has been adjudged to be a dependent child of the
36 juvenile court. If the sibling is 10 years of age or older, the sibling,
37 the sibling's caregiver, and the sibling's attorney. If the sibling is
38 under 10 years of age, the sibling's caregiver and the sibling's
39 attorney. However, notice is not required to be given to any sibling
40 whose matter is calendared in the same court on the same day.

1 (6) If there is no parent or guardian residing in California, or if
2 the residence is unknown, to any adult relative residing within the
3 ~~county~~ county, or if none, the adult relative residing nearest the
4 court.

5 (7) Upon reasonable notification by counsel representing the
6 child, parent, or guardian, the clerk of the court shall give notice
7 to that counsel as soon as possible.

8 (8) The district attorney, if the district attorney has notified the
9 clerk of the court that he or she wishes to receive the petition,
10 containing the time, date, and place of the hearing.

11 (9) The probate department of the superior court that appointed
12 the guardian, if the child is a ward of a guardian appointed pursuant
13 to the Probate Code.

14 (b) No notice is required for a parent whose parental rights have
15 been terminated.

16 (c) Notice shall be served as follows:

17 (1) If the child is retained in custody, the notice shall be given
18 to the persons required to be noticed as soon as possible, and at
19 least five days before the hearing, unless the hearing is set to be
20 heard in less than five days in which case notice shall be given at
21 least 24 hours prior to the hearing.

22 (2) If the child is not retained in custody, the notice shall be
23 given to those persons required to be noticed at least 10 days prior
24 to the date of the hearing. If any person who is required to be given
25 notice is known to reside outside of the county, the clerk of the
26 juvenile court shall mail the notice and copy of the petition by
27 first-class ~~mail~~, *mail* to that person as soon as possible after the
28 filing of the petition and at least 10 days before the time set for
29 hearing. Failure to respond to the notice is not cause for an arrest
30 or detention. In the instance of a failure to appear after notice by
31 first-class mail, the court shall direct that the notice and copy of
32 the petition be personally served on all persons required to receive
33 the notice and copy of the petition. For these purposes, personal
34 service of the notice and copy of the petition outside of the county
35 at least 10 days before the time set for hearing is equivalent to
36 service by first-class mail. Service may be waived by any person
37 by a voluntary appearance entered in the minutes of the court or
38 by a written waiver of service filed with the clerk of the court at,
39 or prior to, the hearing.

1 ~~(3) In lieu of notice by first-class mail, Except as provided in~~
2 ~~subdivisions (e), (f), and (g), notice may be served by electronic~~
3 ~~mail in lieu of notice by first-class mail if the county, or city and~~
4 ~~county, and the court choose to permit service by electronic mail~~
5 ~~and the person to be served has consented to service by electronic~~
6 ~~mail by signing Judicial Council Form EFS-005.~~

7 (d) The notice of the initial petition hearing shall include all of
8 the following:

9 (1) The date, time, and place of the hearing.

10 (2) The name of the child.

11 (3) A copy of the petition.

12 (e) If the court knows or has reason to know that an Indian child
13 is involved, notice shall be given in accordance with Section 224.2.

14 (f) *Except as provided in subdivision (g), if notice is required*
15 *to be provided to a child pursuant to paragraph (4) or (5) of*
16 *subdivision (a), written notice may be served on the child by*
17 *electronic mail only if all of the following requirements are*
18 *satisfied:*

19 (1) *The county, or city and county, and the court choose to*
20 *permit service by electronic mail.*

21 (2) *The child is 16 years of age or older.*

22 (3) *The child has consented to service by electronic mail by*
23 *signing Judicial Council Form EFS-005.*

24 (4) *The attorney for the child has consented to service of the*
25 *minor by electronic mail by signing Judicial Council Form*
26 *EFS-005.*

27 (g) *If notice is required to be provided to a child pursuant to*
28 *paragraph (4) or (5) of subdivision (a), written notice may be*
29 *served on the child by electronic mail as well as by regular mail*
30 *if all of the following requirements are satisfied:*

31 (1) *The county, or city and county, and the court choose to*
32 *permit service by electronic mail.*

33 (2) *The child is 14 or 15 years of age.*

34 (3) *The child has consented to service by electronic mail by*
35 *signing Judicial Council Form EFS-005.*

36 (4) *The attorney for the child has consented to service of the*
37 *minor by electronic mail by signing Judicial Council Form*
38 *EFS-005.*

1 (h) *This section shall remain in effect only until January 1, 2019,*
2 *and as of that date is repealed, unless a later enacted statute, that*
3 *is enacted before January 1, 2019, deletes or extends that date.*

4 SEC. 4. *Section 290.2 is added to the Welfare and Institutions*
5 *Code, to read:*

6 290.2. *Upon the filing of a petition by a probation officer or*
7 *social worker, the clerk of the juvenile court shall issue notice, to*
8 *which shall be attached a copy of the petition, and he or she shall*
9 *cause the same to be served as prescribed in this section.*

10 (a) *Notice shall be given to the following persons whose address*
11 *is known or becomes known prior to the initial petition hearing:*

12 (1) *The mother.*

13 (2) *The father or fathers, presumed and alleged.*

14 (3) *The legal guardian or guardians.*

15 (4) *The child, if the child is 10 years of age or older.*

16 (5) *Any known sibling of the child who is the subject of the*
17 *hearing if that sibling either is the subject of a dependency*
18 *proceeding or has been adjudged to be a dependent child of the*
19 *juvenile court. If the sibling is 10 years of age or older, the sibling,*
20 *the sibling's caregiver, and the sibling's attorney. If the sibling is*
21 *under 10 years of age, the sibling's caregiver and the sibling's*
22 *attorney. However, notice is not required to be given to any sibling*
23 *whose matter is calendared in the same court on the same day.*

24 (6) *If there is no parent or guardian residing in California, or*
25 *if the residence is unknown, to any adult relative residing within*
26 *the county, or if none, the adult relative residing nearest the court.*

27 (7) *Upon reasonable notification by counsel representing the*
28 *child, parent, or guardian, the clerk of the court shall give notice*
29 *to that counsel as soon as possible.*

30 (8) *The district attorney, if the district attorney has notified the*
31 *clerk of the court that he or she wishes to receive the petition,*
32 *containing the time, date, and place of the hearing.*

33 (9) *The probate department of the superior court that appointed*
34 *the guardian, if the child is a ward of a guardian appointed*
35 *pursuant to the Probate Code.*

36 (b) *No notice is required for a parent whose parental rights*
37 *have been terminated.*

38 (c) *Notice shall be served as follows:*

39 (1) *If the child is retained in custody, the notice shall be given*
40 *to the persons required to be noticed as soon as possible, and at*

1 least five days before the hearing, unless the hearing is set to be
2 heard in less than five days in which case notice shall be given at
3 least 24 hours prior to the hearing.

4 (2) If the child is not retained in custody, the notice shall be
5 given to those persons required to be noticed at least 10 days prior
6 to the date of the hearing. If any person who is required to be given
7 notice is known to reside outside of the county, the clerk of the
8 juvenile court shall mail the notice and copy of the petition by
9 first-class mail to that person as soon as possible after the filing
10 of the petition and at least 10 days before the time set for hearing.
11 Failure to respond to the notice is not cause for an arrest or
12 detention. In the instance of a failure to appear after notice by
13 first-class mail, the court shall direct that the notice and copy of
14 the petition be personally served on all persons required to receive
15 the notice and copy of the petition. For these purposes, personal
16 service of the notice and copy of the petition outside of the county
17 at least 10 days before the time set for hearing is equivalent to
18 service by first-class mail. Service may be waived by any person
19 by a voluntary appearance entered in the minutes of the court or
20 by a written waiver of service filed with the clerk of the court at,
21 or prior to, the hearing.

22 (d) The notice of the initial petition hearing shall include all of
23 the following:

24 (1) The date, time, and place of the hearing.

25 (2) The name of the child.

26 (3) A copy of the petition.

27 (e) If the court knows or has reason to know that an Indian child
28 is involved, notice shall be given in accordance with Section 224.2.

29 (f) This section shall become operative on January 1, 2019.

30
31 ~~SEC. 3.~~

32 SEC. 5. Section 291 of the Welfare and Institutions Code is
33 amended to read:

34 291. After the initial petition hearing, the clerk of the court
35 shall cause the notice to be served in the following manner:

36 (a) Notice of the hearing shall be given to the following persons:

37 (1) The mother.

38 (2) The father or fathers, presumed and alleged.

39 (3) The legal guardian or guardians.

40 (4) The child, if the child is 10 years of age or older.

(5) Any known sibling of the child who is the subject of the hearing if that sibling either is the subject of a dependency proceeding or has been adjudged to be a dependent child of the juvenile court. If the sibling is 10 years of age or older, the sibling, the sibling's caregiver, and the sibling's attorney. If the sibling is under 10 years of age, the sibling's caregiver and the sibling's attorney. However, notice is not required to be given to any sibling whose matter is calendared in the same court on the same day.

(6) Each attorney of record unless counsel of record is present in court when the hearing is scheduled, then no further notice need be given.

(7) If there is no parent or guardian residing in California, or if the residence is unknown, then to any adult relative residing within the ~~county~~ county, or if none, the adult relative residing nearest the court.

(8) If the hearing is a dispositional hearing that is also serving as a permanency hearing pursuant to subdivision (f) of Section 361.5, notice shall be given to the current caregiver for the child, including foster parents, relative caregivers, preadoptive parents, and nonrelative extended family members. Any person notified may attend all hearings and may submit any information he or she deems relevant to the court in writing.

(b) No notice is required for a parent whose parental rights have been terminated.

(c) Notice shall be served as follows:

(1) If the child is detained, the notice shall be given to the persons required to be noticed as soon as possible, and at least five days before the hearing, unless the hearing is set less than five days and then at least 24 hours prior to the hearing.

(2) If the child is not detained, the notice shall be given to those persons required to be noticed at least 10 days prior to the date of the hearing.

(d) The notice shall include all of the following:

(1) The name and address of the person notified.

(2) The nature of the hearing.

(3) Each section and subdivision under which the proceeding has been initiated.

(4) The date, time, and place of the hearing.

(5) The name of the child upon whose behalf the petition has been brought.

1 (6) A statement that:

2 (A) If they fail to appear, the court may proceed without them.

3 (B) The child, parent, guardian, Indian custodian, or adult
4 relative to whom notice is required to be given pursuant to
5 paragraph (1), (2), (3), (4), or (7) of subdivision (a) is entitled to
6 have an attorney present at the hearing.

7 (C) If the parent, guardian, Indian custodian, or adult relative
8 noticed pursuant to paragraph (1), (2), (3), or (7) of subdivision
9 (a) is indigent and cannot afford an attorney, and desires to be
10 represented by an attorney, the parent, guardian, Indian custodian,
11 or adult relative shall promptly notify the clerk of the juvenile
12 court.

13 (D) If an attorney is appointed to represent the parent, guardian,
14 Indian custodian, or adult relative, the represented person shall be
15 liable for all or a portion of the costs to the extent of his or her
16 ability to pay.

17 (E) The parent, guardian, Indian custodian, or adult relative may
18 be liable for the costs of support of the child in any out-of-home
19 placement.

20 (7) A copy of the petition.

21 (e) Service of the notice of the hearing shall be given in the
22 following manner:

23 (1) If the child is detained and the persons required to be noticed
24 are not present at the initial petition hearing, they shall be noticed
25 by personal service or by certified mail, return receipt requested.

26 (2) If the child is detained and the persons required to be noticed
27 are present at the initial petition hearing, they shall be noticed by
28 personal service or by first-class mail.

29 (3) If the child is not detained, the persons required to be noticed
30 shall be noticed by personal service or by first-class mail, unless
31 the person to be served is known to reside outside the county, in
32 which case service shall be by first-class mail.

33 (4) ~~In lieu of notice by first-class mail, Except as provided in~~
34 ~~subdivisions (g), (h), and (i), notice may be served by electronic~~
35 ~~mail in lieu of notice by first-class mail~~ if the county, or city and
36 county, and the court choose to permit service by electronic mail
37 and the person to be served has consented to service by electronic
38 mail by signing Judicial Council Form EFS-005.

39 (f) Any of the notices required to be given under this section or
40 Sections 290.1 and 290.2 may be waived by a party in person or

1 through his or her attorney, or by a signed written waiver filed on
2 or before the date scheduled for the hearing.

3 (g) If the court knows or has reason to know that an Indian child
4 is involved, notice shall be given in accordance with Section 224.2.

5 (h) *Except as provided in subdivision (i), if notice is required*
6 *to be provided to a child pursuant to paragraph (4) or (5) of*
7 *subdivision (a), written notice may be served on the child by*
8 *electronic mail only if all of the following requirements are*
9 *satisfied:*

10 (1) *The county, or city and county, and the court choose to*
11 *permit service by electronic mail.*

12 (2) *The child is 16 years of age or older.*

13 (3) *The child has consented to service by electronic mail by*
14 *signing Judicial Council Form EFS-005.*

15 (4) *The attorney for the child has consented to service of the*
16 *minor by electronic mail by signing Judicial Council Form*
17 *EFS-005.*

18 (i) *If notice is required to be provided to a child pursuant to*
19 *paragraph (4) or (5) of subdivision (a), written notice may be*
20 *served on the child by electronic mail as well as by regular mail*
21 *if all of the following requirements are satisfied:*

22 (1) *The county, or city and county, and the court choose to*
23 *permit service by electronic mail.*

24 (2) *The child is 14 or 15 years of age.*

25 (3) *The child has consented to service by electronic mail by*
26 *signing Judicial Council Form EFS-005.*

27 (4) *The attorney for the child has consented to service of the*
28 *minor by electronic mail by signing Judicial Council Form*
29 *EFS-005.*

30 (j) *This section shall remain in effect only until January 1, 2019,*
31 *and as of that date is repealed, unless a later enacted statute, that*
32 *is enacted before January 1, 2019, deletes or extends that date.*

33 SEC. 6. *Section 291 is added to the Welfare and Institutions*
34 *Code, to read:*

35 291. *After the initial petition hearing, the clerk of the court*
36 *shall cause the notice to be served in the following manner:*

37 (a) *Notice of the hearing shall be given to the following persons:*

38 (1) *The mother.*

39 (2) *The father or fathers, presumed and alleged.*

40 (3) *The legal guardian or guardians.*

1 (4) *The child, if the child is 10 years of age or older.*

2 (5) *Any known sibling of the child who is the subject of the*
3 *hearing if that sibling either is the subject of a dependency*
4 *proceeding or has been adjudged to be a dependent child of the*
5 *juvenile court. If the sibling is 10 years of age or older, the sibling,*
6 *the sibling's caregiver, and the sibling's attorney. If the sibling is*
7 *under 10 years of age, the sibling's caregiver and the sibling's*
8 *attorney. However, notice is not required to be given to any sibling*
9 *whose matter is calendared in the same court on the same day.*

10 (6) *Each attorney of record unless counsel of record is present*
11 *in court when the hearing is scheduled, then no further notice need*
12 *be given.*

13 (7) *If there is no parent or guardian residing in California, or*
14 *if the residence is unknown, then to any adult relative residing*
15 *within the county, or if none, the adult relative residing nearest*
16 *the court.*

17 (8) *If the hearing is a dispositional hearing that is also serving*
18 *as a permanency hearing pursuant to subdivision (f) of Section*
19 *361.5, notice shall be given to the current caregiver for the child,*
20 *including foster parents, relative caregivers, preadoptive parents,*
21 *and nonrelative extended family members. Any person notified*
22 *may attend all hearings and may submit any information he or she*
23 *deems relevant to the court in writing.*

24 (b) *No notice is required for a parent whose parental rights*
25 *have been terminated.*

26 (c) *Notice shall be served as follows:*

27 (1) *If the child is detained, the notice shall be given to the*
28 *persons required to be noticed as soon as possible, and at least*
29 *five days before the hearing, unless the hearing is set less than*
30 *five days and then at least 24 hours prior to the hearing.*

31 (2) *If the child is not detained, the notice shall be given to those*
32 *persons required to be noticed at least 10 days prior to the date*
33 *of the hearing.*

34 (d) *The notice shall include all of the following:*

35 (1) *The name and address of the person notified.*

36 (2) *The nature of the hearing.*

37 (3) *Each section and subdivision under which the proceeding*
38 *has been initiated.*

39 (4) *The date, time, and place of the hearing.*

1 (5) *The name of the child upon whose behalf the petition has*
2 *been brought.*

3 (6) *A statement that:*

4 (A) *If they fail to appear, the court may proceed without them.*

5 (B) *The child, parent, guardian, Indian custodian, or adult*
6 *relative to whom notice is required to be given pursuant to*
7 *paragraph (1), (2), (3), (4), or (7) of subdivision (a) is entitled to*
8 *have an attorney present at the hearing.*

9 (C) *If the parent, guardian, Indian custodian, or adult relative*
10 *noticed pursuant to paragraph (1), (2), (3), or (7) of subdivision*
11 *(a) is indigent and cannot afford an attorney, and desires to be*
12 *represented by an attorney, the parent, guardian, Indian custodian,*
13 *or adult relative shall promptly notify the clerk of the juvenile*
14 *court.*

15 (D) *If an attorney is appointed to represent the parent, guardian,*
16 *Indian custodian, or adult relative, the represented person shall*
17 *be liable for all or a portion of the costs to the extent of his or her*
18 *ability to pay.*

19 (E) *The parent, guardian, Indian custodian, or adult relative*
20 *may be liable for the costs of support of the child in any*
21 *out-of-home placement.*

22 (7) *A copy of the petition.*

23 (e) *Service of the notice of the hearing shall be given in the*
24 *following manner:*

25 (1) *If the child is detained and the persons required to be noticed*
26 *are not present at the initial petition hearing, they shall be noticed*
27 *by personal service or by certified mail, return receipt requested.*

28 (2) *If the child is detained and the persons required to be noticed*
29 *are present at the initial petition hearing, they shall be noticed by*
30 *personal service or by first-class mail.*

31 (3) *If the child is not detained, the persons required to be noticed*
32 *shall be noticed by personal service or by first-class mail, unless*
33 *the person to be served is known to reside outside the county, in*
34 *which case service shall be by first-class mail.*

35 (f) *Any of the notices required to be given under this section or*
36 *Sections 290.1 and 290.2 may be waived by a party in person or*
37 *through his or her attorney, or by a signed written waiver filed on*
38 *or before the date scheduled for the hearing.*

39 (g) *If the court knows or has reason to know that an Indian child*
40 *is involved, notice shall be given in accordance with Section 224.2.*

1 (h) *This section shall become operative on January 1, 2019.*

2 ~~SEC. 4.~~

3 SEC. 7. Section 292 of the Welfare and Institutions Code is
4 amended to read:

5 292. The social worker or probation officer shall give notice
6 of the review hearing held pursuant to Section 364 in the following
7 manner:

8 (a) Notice of the hearing shall be given to the following persons:

9 (1) The mother.

10 (2) The presumed father or any father receiving services.

11 (3) The legal guardian or guardians.

12 (4) The child, if the child is 10 years of age or older.

13 (5) Any known sibling of the child who is the subject of the
14 hearing if that sibling either is the subject of a dependency
15 proceeding or has been adjudged to be a dependent child of the
16 juvenile court. If the sibling is 10 years of age or older, the sibling,
17 the sibling's caregiver, and the sibling's attorney. If the sibling is
18 under 10 years of age, the sibling's caregiver and the sibling's
19 attorney. However, notice is not required to be given to any sibling
20 whose matter is calendared in the same court on the same day.

21 (6) Each attorney of record, if that attorney was not present at
22 the time that the hearing was set by the court.

23 (b) No notice is required for a parent whose parental rights have
24 been terminated.

25 (c) The notice of the hearing shall be served not earlier than 30
26 days, nor later than 15 days, before the hearing.

27 (d) The notice shall contain a statement regarding the nature of
28 the hearing to be held and any change in the custody or status of
29 the child being recommended by the supervising agency. The
30 notice shall also include a statement that the child and the parent
31 or parents or legal guardian or guardians have a right to be present
32 at the hearing, to be represented by counsel at the hearing and the
33 procedure for obtaining appointed counsel, and to present evidence
34 regarding the proper disposition of the case. The notice shall also
35 state that if the parent or parents or legal guardian or guardians
36 fail to appear, the court may proceed without them.

37 (e) Service of the notice shall be by personal service, by
38 first-class mail, or by certified mail, return receipt requested,
39 addressed to the last known address of the person to be noticed.

40 ~~Notice~~ *Except as provided in subdivisions (f), (g), and (h), notice*

1 may be served by electronic mail if the county, or city and county,
2 and the court choose to permit service by electronic mail and the
3 person to be served has consented to service by electronic mail by
4 signing Judicial Council Form EFS-005.

5 (f) If the social worker or the probation officer knows or has
6 reason to know that an Indian child is involved, notice shall be
7 given in accordance with Section 224.2.

8 (g) *Except as provided in subdivision (h), if notice is required*
9 *to be provided to a child pursuant to paragraph (4) or (5) of*
10 *subdivision (a), written notice may be served on the child by*
11 *electronic mail only if all of the following requirements are*
12 *satisfied:*

13 (1) *The county, or city and county, and the court choose to*
14 *permit service by electronic mail.*

15 (2) *The child is 16 years of age or older.*

16 (3) *The child has consented to service by electronic mail by*
17 *signing Judicial Council Form EFS-005.*

18 (4) *The attorney for the child has consented to service of the*
19 *minor by electronic mail by signing Judicial Council Form*
20 *EFS-005.*

21 (h) *If notice is required to be provided to a child pursuant to*
22 *paragraph (4) or (5) of subdivision (a), written notice may be*
23 *served on the child by electronic mail as well as by regular mail*
24 *if all of the following requirements are satisfied:*

25 (1) *The county, or city and county, and the court choose to*
26 *permit service by electronic mail.*

27 (2) *The child is 14 or 15 years of age.*

28 (3) *The child has consented to service by electronic mail by*
29 *signing Judicial Council Form EFS-005.*

30 (4) *The attorney for the child has consented to service of the*
31 *minor by electronic mail by signing Judicial Council Form*
32 *EFS-005.*

33 (i) *This section shall remain in effect only until January 1, 2019,*
34 *and as of that date is repealed, unless a later enacted statute, that*
35 *is enacted before January 1, 2019, deletes or extends that date.*

36 SEC. 8. *Section 292 is added to the Welfare and Institutions*
37 *Code, to read:*

38 292. *The social worker or probation officer shall give notice*
39 *of the review hearing held pursuant to Section 364 in the following*
40 *manner:*

1 (a) Notice of the hearing shall be given to the following persons:

2 (1) The mother.

3 (2) The presumed father or any father receiving services.

4 (3) The legal guardian or guardians.

5 (4) The child, if the child is 10 years of age or older.

6 (5) Any known sibling of the child who is the subject of the
7 hearing if that sibling either is the subject of a dependency
8 proceeding or has been adjudged to be a dependent child of the
9 juvenile court. If the sibling is 10 years of age or older, the sibling,
10 the sibling's caregiver, and the sibling's attorney. If the sibling is
11 under 10 years of age, the sibling's caregiver and the sibling's
12 attorney. However, notice is not required to be given to any sibling
13 whose matter is calendared in the same court on the same day.

14 (6) Each attorney of record, if that attorney was not present at
15 the time that the hearing was set by the court.

16 (b) No notice is required for a parent whose parental rights
17 have been terminated.

18 (c) The notice of the hearing shall be served not earlier than
19 30 days, nor later than 15 days, before the hearing.

20 (d) The notice shall contain a statement regarding the nature
21 of the hearing to be held and any change in the custody or status
22 of the child being recommended by the supervising agency. The
23 notice shall also include a statement that the child and the parent
24 or parents or legal guardian or guardians have a right to be
25 present at the hearing, to be represented by counsel at the hearing
26 and the procedure for obtaining appointed counsel, and to present
27 evidence regarding the proper disposition of the case. The notice
28 shall also state that if the parent or parents or legal guardian or
29 guardians fail to appear, the court may proceed without them.

30 (e) Service of the notice shall be by personal service, by
31 first-class mail, or by certified mail, return receipt requested,
32 addressed to the last known address of the person to be noticed.

33 (f) If the social worker or the probation officer knows or has
34 reason to know that an Indian child is involved, notice shall be
35 given in accordance with Section 224.2.

36 (g) This section shall become operative on January 1, 2019.

37 ~~SEC. 5.~~

38 SEC. 9. Section 293 of the Welfare and Institutions Code is
39 amended to read:

1 293. The social worker or probation officer shall give notice
2 of the review hearings held pursuant to Section 366.21, 366.22,
3 or 366.25 in the following manner:

4 (a) Notice of the hearing shall be given to the following persons:

5 (1) The mother.

6 (2) The presumed father or any father receiving services.

7 (3) The legal guardian or guardians.

8 (4) The child, if the child is 10 years of age or older.

9 (5) Any known sibling of the child who is the subject of the
10 hearing if that sibling either is the subject of a dependency
11 proceeding or has been adjudged to be a dependent child of the
12 juvenile court. If the sibling is 10 years of age or older, the sibling,
13 the sibling's caregiver, and the sibling's attorney. If the sibling is
14 under 10 years of age, the sibling's caregiver and the sibling's
15 attorney. However, notice is not required to be given to any sibling
16 whose matter is calendared in the same court on the same day.

17 (6) In the case of a child removed from the physical custody of
18 his or her parent or legal guardian, the current caregiver of the
19 child, including the foster parents, relative caregivers, preadoptive
20 parents, nonrelative extended family members, community care
21 facility, or foster family agency having custody of the child. In a
22 case in which a foster family agency is notified of the hearing
23 pursuant to this section, and the child resides in a foster home
24 certified by the foster family agency, the foster family agency shall
25 provide timely notice of the hearing to the child's caregivers.

26 (7) Each attorney of record if that attorney was not present at
27 the time that the hearing was set by the court.

28 (b) No notice is required for a parent whose parental rights have
29 been terminated. On and after January 1, 2012, in the case of a
30 nonminor dependent, as described in subdivision (v) of Section
31 11400, no notice is required for a parent.

32 (c) The notice of hearing shall be served not earlier than 30
33 days, nor later than 15 days, before the hearing.

34 (d) The notice shall contain a statement regarding the nature of
35 the hearing to be held and any change in the custody or status of
36 the child being recommended by the supervising agency. If the
37 notice is to the child, parent or parents, or legal guardian or
38 guardians, the notice shall also advise them of the right to be
39 present, the right to be represented by counsel, the right to request
40 counsel, and the right to present evidence. The notice shall also

1 state that if the parent or parents or legal guardian or guardians
2 fail to appear, the court may proceed without them.

3 (e) Service of the notice shall be by first-class mail addressed
4 to the last known address of the person to be noticed or by personal
5 service on the person. Service of a copy of the notice shall be by
6 personal service or by certified mail, return receipt requested, or
7 any other form of notice that is equivalent to service by first-class
8 mail. ~~In lieu of notice by first-class mail~~ *Except as provided in*
9 *subdivisions (g), (h), and (i), notice may be served by electronic*
10 *mail in lieu of notice by first-class mail* if the county, or city and
11 county, and the court choose to permit service by electronic mail
12 and the person to be served has consented to service by electronic
13 mail by signing Judicial Council Form EFS-005.

14 (f) Notice to the current caregiver of the child, including a foster
15 parent, a relative caregiver, a preadoptive parent, or a nonrelative
16 extended family member, or to a certified foster parent who has
17 been approved for adoption, or the State Department of Social
18 Services when it is acting as an adoption agency or by a county
19 adoption agency, shall indicate that the person notified may attend
20 all hearings or may submit any information he or she deems
21 relevant to the court in writing.

22 (g) If the social worker or probation officer knows or has reason
23 to know that an Indian child is involved, notice shall be given in
24 accordance with Section 224.2.

25 (h) *Except as provided in subdivision (i), if notice is required*
26 *to be provided to a child pursuant to paragraph (4) or (5) of*
27 *subdivision (a), written notice may be served on the child by*
28 *electronic mail only if all of the following requirements are*
29 *satisfied:*

30 (1) *The county, or city and county, and the court choose to*
31 *permit service by electronic mail.*

32 (2) *The child is 16 years of age or older.*

33 (3) *The child has consented to service by electronic mail by*
34 *signing Judicial Council Form EFS-005.*

35 (4) *The attorney for the child has consented to service of the*
36 *minor by electronic mail by signing Judicial Council Form*
37 *EFS-005.*

38 (i) *If notice is required to be provided to a child pursuant to*
39 *paragraph (4) or (5) of subdivision (a), written notice may be*

1 served on the child by electronic mail as well as by regular mail
2 if all of the following requirements are satisfied:

3 (1) The county, or city and county, and the court choose to
4 permit service by electronic mail.

5 (2) The child is 14 or 15 years of age.

6 (3) The child has consented to service by electronic mail by
7 signing Judicial Council Form EFS-005.

8 (4) The attorney for the child has consented to service of the
9 minor by electronic mail by signing Judicial Council Form
10 EFS-005.

11 (j) This section shall remain in effect only until January 1, 2019,
12 and as of that date is repealed, unless a later enacted statute, that
13 is enacted before January 1, 2019, deletes or extends that date.

14 SEC. 10. Section 293 is added to the Welfare and Institutions
15 Code, to read:

16 293. The social worker or probation officer shall give notice
17 of the review hearings held pursuant to Section 366.21, 366.22,
18 or 366.25 in the following manner:

19 (a) Notice of the hearing shall be given to the following persons:

20 (1) The mother.

21 (2) The presumed father or any father receiving services.

22 (3) The legal guardian or guardians.

23 (4) The child, if the child is 10 years of age or older.

24 (5) Any known sibling of the child who is the subject of the
25 hearing if that sibling either is the subject of a dependency
26 proceeding or has been adjudged to be a dependent child of the
27 juvenile court. If the sibling is 10 years of age or older, the sibling,
28 the sibling's caregiver, and the sibling's attorney. If the sibling is
29 under 10 years of age, the sibling's caregiver and the sibling's
30 attorney. However, notice is not required to be given to any sibling
31 whose matter is calendared in the same court on the same day.

32 (6) In the case of a child removed from the physical custody of
33 his or her parent or legal guardian, the current caregiver of the
34 child, including the foster parents, relative caregivers, preadoptive
35 parents, nonrelative extended family members, community care
36 facility, or foster family agency having custody of the child. In a
37 case in which a foster family agency is notified of the hearing
38 pursuant to this section, and the child resides in a foster home
39 certified by the foster family agency, the foster family agency shall
40 provide timely notice of the hearing to the child's caregivers.

1 (7) *Each attorney of record if that attorney was not present at*
2 *the time that the hearing was set by the court.*

3 (b) *No notice is required for a parent whose parental rights*
4 *have been terminated. On and after January 1, 2012, in the case*
5 *of a nonminor dependent, as described in subdivision (v) of Section*
6 *11400, no notice is required for a parent.*

7 (c) *The notice of hearing shall be served not earlier than 30*
8 *days, nor later than 15 days, before the hearing.*

9 (d) *The notice shall contain a statement regarding the nature*
10 *of the hearing to be held and any change in the custody or status*
11 *of the child being recommended by the supervising agency. If the*
12 *notice is to the child, parent or parents, or legal guardian or*
13 *guardians, the notice shall also advise them of the right to be*
14 *present, the right to be represented by counsel, the right to request*
15 *counsel, and the right to present evidence. The notice shall also*
16 *state that if the parent or parents or legal guardian or guardians*
17 *fail to appear, the court may proceed without them.*

18 (e) *Service of the notice shall be by first-class mail addressed*
19 *to the last known address of the person to be noticed or by personal*
20 *service on the person. Service of a copy of the notice shall be by*
21 *personal service or by certified mail, return receipt requested, or*
22 *any other form of notice that is equivalent to service by first-class*
23 *mail.*

24 (f) *Notice to the current caregiver of the child, including a foster*
25 *parent, a relative caregiver, a preadoptive parent, or a nonrelative*
26 *extended family member, or to a certified foster parent who has*
27 *been approved for adoption, or the State Department of Social*
28 *Services when it is acting as an adoption agency or by a county*
29 *adoption agency, shall indicate that the person notified may attend*
30 *all hearings or may submit any information he or she deems*
31 *relevant to the court in writing.*

32 (g) *If the social worker or probation officer knows or has reason*
33 *to know that an Indian child is involved, notice shall be given in*
34 *accordance with Section 224.2.*

35 (h) *This section shall become operative on January 1, 2019.*

36 ~~SEC. 6.~~

37 SEC. 11. Section 294 of the Welfare and Institutions Code is
38 amended to read:

1 294. The social worker or probation officer shall give notice
2 of a selection and implementation hearing held pursuant to Section
3 366.26 in the following manner:

4 (a) Notice of the hearing shall be given to the following persons:

5 (1) The mother.

6 (2) The fathers, presumed and alleged.

7 (3) The child, if the child is 10 years of age or older.

8 (4) Any known sibling of the child who is the subject of the
9 hearing if that sibling either is the subject of a dependency
10 proceeding or has been adjudged to be a dependent child of the
11 juvenile court. If the sibling is 10 years of age or older, the sibling,
12 the sibling's caregiver, and the sibling's attorney. If the sibling is
13 under 10 years of age, the sibling's caregiver and the sibling's
14 attorney. However, notice is not required to be given to any sibling
15 whose matter is calendared in the same court on the same day.

16 (5) The grandparents of the child, if their address is known and
17 if the parent's whereabouts are unknown.

18 (6) All counsel of record.

19 (7) To any unknown parent by publication, if ordered by the
20 court pursuant to paragraph (2) of subdivision (g).

21 (8) The current caregiver of the child, including foster parents,
22 relative caregivers, preadoptive parents, and nonrelative extended
23 family members. Any person notified may attend all hearings and
24 may submit any information he or she deems relevant to the court
25 in writing.

26 (b) The following persons shall not be notified of the hearing:

27 (1) A parent who has relinquished the child to the State
28 Department of Social Services, county adoption agency, or licensed
29 adoption agency for adoption, and the relinquishment has been
30 accepted and filed with notice as required under Section 8700 of
31 the Family Code.

32 (2) An alleged father who has denied paternity and has executed
33 a waiver of the right to notice of further proceedings.

34 (3) A parent whose parental rights have been terminated.

35 (c) (1) Service of the notice shall be completed at least 45 days
36 before the hearing date. Service is deemed complete at the time
37 the notice is personally delivered to the person named in the notice
38 or 10 days after the notice has been placed in the mail or sent by
39 electronic mail, or at the expiration of the time prescribed by the
40 order for publication.

1 (2) Service of notice in cases where publication is ordered shall
2 be completed at least 30 days before the date of the hearing.

3 (d) Regardless of the type of notice required, or the manner in
4 which it is served, once the court has made the initial finding that
5 notice has properly been given to the parent, or to any person
6 entitled to receive notice pursuant to this section, subsequent notice
7 for any continuation of a Section 366.26 hearing may be by
8 first-class mail to any last known address, by an order made
9 pursuant to Section 296, *except as provided in paragraphs (2) and*
10 *(3) of subdivision (h) and subdivision (i)*, by electronic mail if the
11 county, or city and county, and the court choose to permit service
12 by electronic mail and the person to be served has consented to
13 service by electronic mail by signing Judicial Council Form
14 EFS-005, or by any other means that the court determines is
15 reasonably calculated, under any circumstance, to provide notice
16 of the continued hearing. However, if the recommendation changes
17 from the recommendation contained in the notice previously found
18 to be proper, notice shall be provided to the parent, and to any
19 person entitled to receive notice pursuant to this section, regarding
20 that subsequent hearing.

21 (e) The notice shall contain the following information:

22 (1) The date, time, and place of the hearing.

23 (2) The right to appear.

24 (3) The parents' right to counsel.

25 (4) The nature of the proceedings.

26 (5) The recommendation of the supervising agency.

27 (6) A statement that, at the time of hearing, the court is required
28 to select a permanent plan of adoption, legal guardianship, or
29 long-term foster care for the child.

30 (f) Notice to the parents may be given in any one of the
31 following manners:

32 (1) If the parent is present at the hearing at which the court
33 schedules a hearing pursuant to Section 366.26, the court shall
34 advise the parent of the date, time, and place of the proceedings,
35 their right to counsel, the nature of the proceedings, and the
36 requirement that at the proceedings the court shall select and
37 implement a plan of adoption, legal guardianship, or long-term
38 foster care for the child. The court shall direct the parent to appear
39 for the proceedings and then direct that the parent be notified
40 thereafter by first-class mail to the parent's usual place of residence

1 or business only. In lieu of notice by first-class mail, notice may
2 be served by electronic mail if the county, or city and county, and
3 the court choose to permit service by electronic mail and the person
4 to be served has consented to service by electronic mail by signing
5 Judicial Council Form EFS-005.

6 (2) Certified mail, return receipt requested, to the parent's last
7 known mailing address. This notice shall be sufficient if the child
8 welfare agency receives a return receipt signed by the parent.

9 (3) Personal service to the parent named in the notice.

10 (4) Delivery to a competent person who is at least 18 years of
11 age at the parent's usual place of residence or business, and
12 thereafter mailed to the parent named in the notice by first-class
13 mail at the place where the notice was delivered.

14 (5) If the residence of the parent is outside the state, service
15 may be made as described in paragraph (1), (3), or (4) or by
16 certified mail, return receipt requested.

17 (6) If the recommendation of the probation officer or social
18 worker is legal guardianship or long-term foster care, or, in the
19 case of an Indian child, tribal customary adoption, service may be
20 made by first-class mail to the parent's usual place of residence
21 or business. In lieu of notice by first-class mail, notice may be
22 served by electronic mail if the county, or city and county, and the
23 court choose to permit service by electronic mail and the person
24 to be served has consented to service by electronic mail by signing
25 Judicial Council Form EFS-005.

26 (7) If a parent's identity is known but his or her whereabouts
27 are unknown and the parent cannot, with reasonable diligence, be
28 served in any manner specified in paragraphs (1) to (6), inclusive,
29 the petitioner shall file an affidavit with the court at least 75 days
30 before the hearing date, stating the name of the parent and
31 describing the efforts made to locate and serve the parent.

32 (A) If the court determines that there has been due diligence in
33 attempting to locate and serve the parent and the probation officer
34 or social worker recommends adoption, service shall be to that
35 parent's attorney of record, if any, by certified mail, return receipt
36 requested. If the parent does not have an attorney of record, the
37 court shall order that service be made by publication of citation
38 requiring the parent to appear at the date, time, and place stated in
39 the citation, and that the citation be published in a newspaper
40 designated as most likely to give notice to the parent. Publication

1 shall be made once a week for four consecutive weeks. Whether
2 notice is to the attorney of record or by publication, the court shall
3 also order that notice be given to the grandparents of the child, if
4 their identities and addresses are known, by first-class mail.

5 (B) If the court determines that there has been due diligence in
6 attempting to locate and serve the parent and the probation officer
7 or social worker recommends legal guardianship or long-term
8 foster care, no further notice is required to the parent, but the court
9 shall order that notice be given to the grandparents of the child, if
10 their identities and addresses are known, by first-class mail.

11 (C) In any case where the residence of the parent becomes
12 known, notice shall immediately be served upon the parent as
13 provided for in either paragraph (2), (3), (4), (5), or (6).

14 (g) (1) If the identity of one or both of the parents, or alleged
15 parents, of the child is unknown, or if the name of one or both
16 parents is uncertain, then that fact shall be set forth in the affidavit
17 filed with the court at least 75 days before the hearing date and
18 the court, consistent with the provisions of Sections 7665 and 7666
19 of the Family Code, shall issue an order dispensing with notice to
20 a natural parent or possible natural parent under this section if,
21 after inquiry and a determination that there has been due diligence
22 in attempting to identify the unknown parent, the court is unable
23 to identify the natural parent or possible natural parent and no
24 person has appeared claiming to be the natural parent.

25 (2) After a determination that there has been due diligence in
26 attempting to identify an unknown parent pursuant to paragraph
27 (1) and the probation officer or social worker recommends
28 adoption, the court shall consider whether publication notice would
29 be likely to lead to actual notice to the unknown parent. The court
30 may order publication notice if, on the basis of all information
31 before the court, the court determines that notice by publication
32 is likely to lead to actual notice to the parent. If publication notice
33 to an unknown parent is ordered, the court shall order the published
34 citation to be directed to either the father or mother, or both, of
35 the child, and to all persons claiming to be the father or mother of
36 the child, naming and otherwise describing the child. An order of
37 publication pursuant to this paragraph shall be based on an affidavit
38 describing efforts made to identify the unknown parent or parents.
39 Service made by publication pursuant to this paragraph shall
40 require the unknown parent or parents to appear at the date, time,

1 and place stated in the citation. Publication shall be made once a
2 week for four consecutive weeks.

3 (3) If the court determines that there has been due diligence in
4 attempting to identify one or both of the parents, or alleged parents,
5 of the child and the probation officer or social worker recommends
6 legal guardianship or long-term foster care, no further notice to
7 the parent shall be required.

8 (h) ~~(1)~~ Notice to ~~the child~~ and all counsel of record shall be
9 by first-class mail, or by electronic mail if the county, or city and
10 county, and the court choose to permit service by electronic mail
11 and the person to be served has consented to service by electronic
12 mail by signing Judicial Council Form EFS-005.

13 (2) *Except as provided in paragraph (3), if notice is required*
14 *to be provided to a child, written notice may be served on the child*
15 *by electronic mail only if all of the following requirements are*
16 *satisfied:*

17 (A) *The county, or city and county, and the court choose to*
18 *permit service by electronic mail.*

19 (B) *The child is 16 years of age or older.*

20 (C) *The child has consented to service by electronic mail by*
21 *signing Judicial Council Form EFS-005.*

22 (D) *The attorney for the child has consented to service of the*
23 *minor by electronic mail by signing Judicial Council Form*
24 *EFS-005.*

25 (3) *If notice is required to be provided to a child, written notice*
26 *may be served on the child by electronic mail as well as by regular*
27 *mail if all of the following requirements are satisfied:*

28 (A) *The county, or city and county, and the court choose to*
29 *permit service by electronic mail.*

30 (B) *The child is 14 or 15 years of age.*

31 (C) *The child has consented to service by electronic mail by*
32 *signing Judicial Council Form EFS-005.*

33 (D) *The attorney for the child has consented to service of the*
34 *minor by electronic mail by signing Judicial Council Form*
35 *EFS-005.*

36 (i) If the court knows or has reason to know that an Indian child
37 is involved, notice shall be given in accordance with Section 224.2.

38 (j) Notwithstanding subdivision (a), if the attorney of record is
39 present at the time the court schedules a hearing pursuant to Section

1 366.26, no further notice is required, except as required by
2 subparagraph (A) of paragraph (7) of subdivision (f).

3 (k) This section shall also apply to children adjudged wards
4 pursuant to Section 727.31.

5 (l) The court shall state the reasons on the record explaining
6 why good cause exists for granting any continuance of a hearing
7 held pursuant to Section 366.26 to fulfill the requirements of this
8 section.

9 (m) *Notwithstanding any choice by a county, or city and county,*
10 *and the court to permit service of written notice of court*
11 *proceedings by electronic mail, or consent by any person to service*
12 *of written notice by electronic mail by signing Judicial Council*
13 *Form EFS-005, notice of any hearing at which the county welfare*
14 *department is recommending the termination of parental rights*
15 *may only be served by electronic mail if supplemental and in*
16 *addition to the other forms of notice provided for in this section.*

17 (n) *This section shall remain in effect only until January 1, 2019,*
18 *and as of that date is repealed, unless a later enacted statute, that*
19 *is enacted before January 1, 2019, deletes or extends that date.*

20 SEC. 12. *Section 294 is added to the Welfare and Institutions*
21 *Code, to read:*

22 294. *The social worker or probation officer shall give notice*
23 *of a selection and implementation hearing held pursuant to Section*
24 *366.26 in the following manner:*

25 (a) *Notice of the hearing shall be given to the following persons:*

26 (1) *The mother.*

27 (2) *The fathers, presumed and alleged.*

28 (3) *The child, if the child is 10 years of age or older.*

29 (4) *Any known sibling of the child who is the subject of the*
30 *hearing if that sibling either is the subject of a dependency*
31 *proceeding or has been adjudged to be a dependent child of the*
32 *juvenile court. If the sibling is 10 years of age or older, the sibling,*
33 *the sibling's caregiver, and the sibling's attorney. If the sibling is*
34 *under 10 years of age, the sibling's caregiver and the sibling's*
35 *attorney. However, notice is not required to be given to any sibling*
36 *whose matter is calendared in the same court on the same day.*

37 (5) *The grandparents of the child, if their address is known and*
38 *if the parent's whereabouts are unknown.*

39 (6) *All counsel of record.*

1 (7) *To any unknown parent by publication, if ordered by the*
2 *court pursuant to paragraph (2) of subdivision (g).*

3 (8) *The current caregiver of the child, including foster parents,*
4 *relative caregivers, preadoptive parents, and nonrelative extended*
5 *family members. Any person notified may attend all hearings and*
6 *may submit any information he or she deems relevant to the court*
7 *in writing.*

8 (b) *The following persons shall not be notified of the hearing:*

9 (1) *A parent who has relinquished the child to the State*
10 *Department of Social Services, county adoption agency, or licensed*
11 *adoption agency for adoption, and the relinquishment has been*
12 *accepted and filed with notice as required under Section 8700 of*
13 *the Family Code.*

14 (2) *An alleged father who has denied paternity and has executed*
15 *a waiver of the right to notice of further proceedings.*

16 (3) *A parent whose parental rights have been terminated.*

17 (c) (1) *Service of the notice shall be completed at least 45 days*
18 *before the hearing date. Service is deemed complete at the time*
19 *the notice is personally delivered to the person named in the notice*
20 *or 10 days after the notice has been placed in the mail, or at the*
21 *expiration of the time prescribed by the order for publication.*

22 (2) *Service of notice in cases where publication is ordered shall*
23 *be completed at least 30 days before the date of the hearing.*

24 (d) *Regardless of the type of notice required, or the manner in*
25 *which it is served, once the court has made the initial finding that*
26 *notice has properly been given to the parent, or to any person*
27 *entitled to receive notice pursuant to this section, subsequent notice*
28 *for any continuation of a Section 366.26 hearing may be by*
29 *first-class mail to any last known address, by an order made*
30 *pursuant to Section 296, or by any other means that the court*
31 *determines is reasonably calculated, under any circumstance, to*
32 *provide notice of the continued hearing. However, if the*
33 *recommendation changes from the recommendation contained in*
34 *the notice previously found to be proper, notice shall be provided*
35 *to the parent, and to any person entitled to receive notice pursuant*
36 *to this section, regarding that subsequent hearing.*

37 (e) *The notice shall contain the following information:*

38 (1) *The date, time, and place of the hearing.*

39 (2) *The right to appear.*

40 (3) *The parents' right to counsel.*

1 (4) *The nature of the proceedings.*

2 (5) *The recommendation of the supervising agency.*

3 (6) *A statement that, at the time of hearing, the court is required*
4 *to select a permanent plan of adoption, legal guardianship, or*
5 *long-term foster care for the child.*

6 (f) *Notice to the parents may be given in any one of the following*
7 *manners:*

8 (1) *If the parent is present at the hearing at which the court*
9 *schedules a hearing pursuant to Section 366.26, the court shall*
10 *advise the parent of the date, time, and place of the proceedings,*
11 *their right to counsel, the nature of the proceedings, and the*
12 *requirement that at the proceedings the court shall select and*
13 *implement a plan of adoption, legal guardianship, or long-term*
14 *foster care for the child. The court shall direct the parent to appear*
15 *for the proceedings and then direct that the parent be notified*
16 *thereafter by first-class mail to the parent's usual place of*
17 *residence or business only.*

18 (2) *Certified mail, return receipt requested, to the parent's last*
19 *known mailing address. This notice shall be sufficient if the child*
20 *welfare agency receives a return receipt signed by the parent.*

21 (3) *Personal service to the parent named in the notice.*

22 (4) *Delivery to a competent person who is at least 18 years of*
23 *age at the parent's usual place of residence or business, and*
24 *thereafter mailed to the parent named in the notice by first-class*
25 *mail at the place where the notice was delivered.*

26 (5) *If the residence of the parent is outside the state, service*
27 *may be made as described in paragraph (1), (3), or (4) or by*
28 *certified mail, return receipt requested.*

29 (6) *If the recommendation of the probation officer or social*
30 *worker is legal guardianship or long-term foster care, or, in the*
31 *case of an Indian child, tribal customary adoption, service may*
32 *be made by first-class mail to the parent's usual place of residence*
33 *or business.*

34 (7) *If a parent's identity is known but his or her whereabouts*
35 *are unknown and the parent cannot, with reasonable diligence,*
36 *be served in any manner specified in paragraphs (1) to (6),*
37 *inclusive, the petitioner shall file an affidavit with the court at*
38 *least 75 days before the hearing date, stating the name of the*
39 *parent and describing the efforts made to locate and serve the*
40 *parent.*

1 (A) If the court determines that there has been due diligence in
2 attempting to locate and serve the parent and the probation officer
3 or social worker recommends adoption, service shall be to that
4 parent's attorney of record, if any, by certified mail, return receipt
5 requested. If the parent does not have an attorney of record, the
6 court shall order that service be made by publication of citation
7 requiring the parent to appear at the date, time, and place stated
8 in the citation, and that the citation be published in a newspaper
9 designated as most likely to give notice to the parent. Publication
10 shall be made once a week for four consecutive weeks. Whether
11 notice is to the attorney of record or by publication, the court shall
12 also order that notice be given to the grandparents of the child, if
13 their identities and addresses are known, by first-class mail.

14 (B) If the court determines that there has been due diligence in
15 attempting to locate and serve the parent and the probation officer
16 or social worker recommends legal guardianship or long-term
17 foster care, no further notice is required to the parent, but the
18 court shall order that notice be given to the grandparents of the
19 child, if their identities and addresses are known, by first-class
20 mail.

21 (C) In any case where the residence of the parent becomes
22 known, notice shall immediately be served upon the parent as
23 provided for in either paragraph (2), (3), (4), (5), or (6).

24 (g) (1) If the identity of one or both of the parents, or alleged
25 parents, of the child is unknown, or if the name of one or both
26 parents is uncertain, then that fact shall be set forth in the affidavit
27 filed with the court at least 75 days before the hearing date and
28 the court, consistent with the provisions of Sections 7665 and 7666
29 of the Family Code, shall issue an order dispensing with notice to
30 a natural parent or possible natural parent under this section if,
31 after inquiry and a determination that there has been due diligence
32 in attempting to identify the unknown parent, the court is unable
33 to identify the natural parent or possible natural parent and no
34 person has appeared claiming to be the natural parent.

35 (2) After a determination that there has been due diligence in
36 attempting to identify an unknown parent pursuant to paragraph
37 (1) and the probation officer or social worker recommends
38 adoption, the court shall consider whether publication notice would
39 be likely to lead to actual notice to the unknown parent. The court
40 may order publication notice if, on the basis of all information

1 before the court, the court determines that notice by publication
2 is likely to lead to actual notice to the parent. If publication notice
3 to an unknown parent is ordered, the court shall order the
4 published citation to be directed to either the father or mother, or
5 both, of the child, and to all persons claiming to be the father or
6 mother of the child, naming and otherwise describing the child.
7 An order of publication pursuant to this paragraph shall be based
8 on an affidavit describing efforts made to identify the unknown
9 parent or parents. Service made by publication pursuant to this
10 paragraph shall require the unknown parent or parents to appear
11 at the date, time, and place stated in the citation. Publication shall
12 be made once a week for four consecutive weeks.

13 (3) If the court determines that there has been due diligence in
14 attempting to identify one or both of the parents, or alleged parents,
15 of the child and the probation officer or social worker recommends
16 legal guardianship or long-term foster care, no further notice to
17 the parent shall be required.

18 (h) Notice to the child and all counsel of record shall be by
19 first-class mail.

20 (i) If the court knows or has reason to know that an Indian child
21 is involved, notice shall be given in accordance with Section 224.2.

22 (j) Notwithstanding subdivision (a), if the attorney of record is
23 present at the time the court schedules a hearing pursuant to
24 Section 366.26, no further notice is required, except as required
25 by subparagraph (A) of paragraph (7) of subdivision (f).

26 (k) This section shall also apply to children adjudged wards
27 pursuant to Section 727.31.

28 (l) The court shall state the reasons on the record explaining
29 why good cause exists for granting any continuance of a hearing
30 held pursuant to Section 366.26 to fulfill the requirements of this
31 section.

32 (m) This section shall become operative on January 1, 2019.

33 **SEC. 7.**

34 **SEC. 13.** Section 295 of the Welfare and Institutions Code is
35 amended to read:

36 295. The social worker or probation officer shall give notice
37 of review hearings held pursuant to Sections 366.3 and 366.31 and
38 for termination of jurisdiction hearings held pursuant to Section
39 391 in the following manner:

40 (a) Notice of the hearing shall be given to the following persons:

1 (1) The mother.

2 (2) The presumed father.

3 (3) The legal guardian or guardians.

4 (4) The child, if the child is 10 years of age or older, or a
5 nonminor dependent.

6 (5) Any known sibling of the child or nonminor dependent who
7 is the subject of the hearing if that sibling either is the subject of
8 a dependency proceeding or has been adjudged to be a dependent
9 child of the juvenile court. If the sibling is 10 years of age or older,
10 the sibling, the sibling's caregiver, and the sibling's attorney. If
11 the sibling is under 10 years of age, the sibling's caregiver and the
12 sibling's attorney. However, notice is not required to be given to
13 any sibling whose matter is calendared in the same court on the
14 same day.

15 (6) The current caregiver of the child, including *the* foster
16 parents, relative caregivers, preadoptive parents, nonrelative
17 extended family members, community care facility, or foster family
18 agency having physical custody of the child if a child is removed
19 from the physical custody of the parents or legal guardian. The
20 person notified may attend all hearings and may submit any
21 information he or she deems relevant to the court in writing.

22 (7) The current caregiver of a nonminor dependent, as described
23 in subdivision (v) of Section 11400. The person notified may attend
24 all hearings and may submit for filing an original and eight copies
25 of written information he or she deems relevant to the court. The
26 court clerk shall provide the current parties and attorneys of record
27 with a copy of the written information immediately upon receipt
28 and complete, file, and distribute a proof of service.

29 (8) The attorney of record if that attorney of record was not
30 present at the time that the hearing was set by the court.

31 (9) The alleged father or fathers, but only if the recommendation
32 is to set a new hearing pursuant to Section 366.26.

33 (b) No notice shall be required for a parent whose parental rights
34 have been terminated or for the parent of a nonminor dependent,
35 as described in subdivision (v) of Section 11400, unless the parent
36 is receiving court-ordered family reunification services pursuant
37 to Section 361.6.

38 (c) The notice of the review hearing shall be served no earlier
39 than 30 days, nor later than 15 days, before the hearing.

1 (d) The notice of the review hearing shall contain a statement
2 regarding the nature of the hearing to be held, any recommended
3 change in the custody or status of the child, and any
4 recommendation that the court set a new hearing pursuant to
5 Section 366.26 in order to select a more permanent plan.

6 (e) Service of notice shall be by first-class mail addressed to
7 the last known address of the person to be provided notice. ~~In lieu~~
8 ~~of notice by first-class mail~~ *Except as provided in subdivisions*
9 *(g), (h), and (i), notice may be served by electronic mail in lieu of*
10 *notice by first-class mail* if the county, or city and county, and the
11 court choose to permit service by electronic mail and the person
12 to be served has consented to service by electronic mail by signing
13 Judicial Council Form EFS-005. In the case of an Indian child,
14 notice shall be by registered mail, return receipt requested.

15 (f) If the child is ordered into a permanent plan of legal
16 guardianship, and subsequently a petition to terminate or modify
17 the guardianship is filed, the probation officer or social worker
18 shall serve notice of the petition not less than 15 court days prior
19 to the hearing on all persons listed in subdivision (a) and on the
20 court that established legal guardianship if it is in another county.

21 (g) If the social worker or probation officer knows or has reason
22 to know that an Indian child is involved, notice shall be given in
23 accordance with Section 224.2.

24 (h) *Except as provided in subdivision (i), if notice is required*
25 *to be provided to a child pursuant to paragraph (4) or (5) of*
26 *subdivision (a), written notice may be served on the child by*
27 *electronic mail only if all of the following requirements are*
28 *satisfied:*

29 (1) *The county, or city and county, and the court choose to*
30 *permit service by electronic mail.*

31 (2) *The child is 16 years of age or older.*

32 (3) *The child has consented to service by electronic mail by*
33 *signing Judicial Council Form EFS-005.*

34 (4) *The attorney for the child has consented to service of the*
35 *minor by electronic mail by signing Judicial Council Form*
36 *EFS-005.*

37 (i) *If notice is required to be provided to a child pursuant to*
38 *paragraph (4) or (5) of subdivision (a), written notice may be*
39 *served on the child by electronic mail as well as by regular mail*
40 *if all of the following requirements are satisfied:*

1 (1) *The county, or city and county, and the court choose to*
2 *permit service by electronic mail.*

3 (2) *The child is 14 or 15 years of age.*

4 (3) *The child has consented to service by electronic mail by*
5 *signing Judicial Council Form EFS-005.*

6 (4) *The attorney for the child has consented to service of the*
7 *minor by electronic mail by signing Judicial Council Form*
8 *EFS-005.*

9 (j) *This section shall remain in effect only until January 1, 2019,*
10 *and as of that date is repealed, unless a later enacted statute, that*
11 *is enacted before January 1, 2019, deletes or extends that date.*

12 SEC. 14. *Section 295 is added to the Welfare and Institutions*
13 *Code, to read:*

14 295. *The social worker or probation officer shall give notice*
15 *of review hearings held pursuant to Sections 366.3 and 366.31*
16 *and for termination of jurisdiction hearings held pursuant to*
17 *Section 391 in the following manner:*

18 (a) *Notice of the hearing shall be given to the following persons:*

19 (1) *The mother.*

20 (2) *The presumed father.*

21 (3) *The legal guardian or guardians.*

22 (4) *The child, if the child is 10 years of age or older, or a*
23 *nonminor dependent.*

24 (5) *Any known sibling of the child or nonminor dependent who*
25 *is the subject of the hearing if that sibling either is the subject of*
26 *a dependency proceeding or has been adjudged to be a dependent*
27 *child of the juvenile court. If the sibling is 10 years of age or older,*
28 *the sibling, the sibling's caregiver, and the sibling's attorney. If*
29 *the sibling is under 10 years of age, the sibling's caregiver and*
30 *the sibling's attorney. However, notice is not required to be given*
31 *to any sibling whose matter is calendared in the same court on the*
32 *same day.*

33 (6) *The current caregiver of the child, including the foster*
34 *parents, relative caregivers, preadoptive parents, nonrelative*
35 *extended family members, community care facility, or foster family*
36 *agency having physical custody of the child if a child is removed*
37 *from the physical custody of the parents or legal guardian. The*
38 *person notified may attend all hearings and may submit any*
39 *information he or she deems relevant to the court in writing.*

1 (7) *The current caregiver of a nonminor dependent, as described*
2 *in subdivision (v) of Section 11400. The person notified may attend*
3 *all hearings and may submit for filing an original and eight copies*
4 *of written information he or she deems relevant to the court. The*
5 *court clerk shall provide the current parties and attorneys of record*
6 *with a copy of the written information immediately upon receipt*
7 *and complete, file, and distribute a proof of service.*

8 (8) *The attorney of record if that attorney of record was not*
9 *present at the time that the hearing was set by the court.*

10 (9) *The alleged father or fathers, but only if the recommendation*
11 *is to set a new hearing pursuant to Section 366.26.*

12 (b) *No notice shall be required for a parent whose parental*
13 *rights have been terminated or for the parent of a nonminor*
14 *dependent, as described in subdivision (v) of Section 11400, unless*
15 *the parent is receiving court-ordered family reunification services*
16 *pursuant to Section 361.6.*

17 (c) *The notice of the review hearing shall be served no earlier*
18 *than 30 days, nor later than 15 days, before the hearing.*

19 (d) *The notice of the review hearing shall contain a statement*
20 *regarding the nature of the hearing to be held, any recommended*
21 *change in the custody or status of the child, and any*
22 *recommendation that the court set a new hearing pursuant to*
23 *Section 366.26 in order to select a more permanent plan.*

24 (e) *Service of notice shall be by first-class mail addressed to*
25 *the last known address of the person to be provided notice. In the*
26 *case of an Indian child, notice shall be by registered mail, return*
27 *receipt requested.*

28 (f) *If the child is ordered into a permanent plan of legal*
29 *guardianship, and subsequently a petition to terminate or modify*
30 *the guardianship is filed, the probation officer or social worker*
31 *shall serve notice of the petition not less than 15 court days prior*
32 *to the hearing on all persons listed in subdivision (a) and on the*
33 *court that established legal guardianship if it is in another county.*

34 (g) *If the social worker or probation officer knows or has reason*
35 *to know that an Indian child is involved, notice shall be given in*
36 *accordance with Section 224.2.*

37 (h) *This section shall become operative on January 1, 2019.*

38 ~~SEC. 8.~~

39 SEC. 15. Section 316.1 of the Welfare and Institutions Code
40 is amended to read:

1 316.1. (a) (1) Upon his or her appearance before the court,
2 each parent or guardian shall designate for the court his or her
3 permanent mailing address. The court shall advise each parent or
4 guardian that the designated mailing address will be used by the
5 court and the social services agency for notice purposes unless and
6 until the parent or guardian notifies the court or the social services
7 agency of a new mailing address in writing.

8 (2) ~~In-Except as provided in subdivisions (b) and (c), in addition~~
9 ~~to providing his or her permanent mailing address, the court may,~~
10 ~~if the county, or city and county, and the court choose to permit~~
11 ~~service by electronic mail, permit a parent or guardian appearing~~
12 ~~before the court any party who is entitled to notice of court~~
13 ~~proceedings, upon his or her consent to service by electronic mail~~
14 ~~by signing Judicial Council Form EFS-005, to voluntarily provide~~
15 ~~the court with a designated electronic mail address for the purpose~~
16 ~~of receiving notice by electronic mail. Upon his or her appearance~~
17 ~~before the court, each party who consents to service by electronic~~
18 ~~mail shall designate for the court his or her electronic mail~~
19 ~~address. The court shall advise each parent or guardian party that~~
20 ~~the electronic mail address will be used by the court and the social~~
21 ~~services agency for purposes of providing notice pursuant to~~
22 ~~Sections 290.1, 290.2, 291, 292, 293, 294, and 295, if the parent~~
23 ~~or guardian has consented to service by electronic mail by signing~~
24 ~~Judicial Council Form EFS-005. unless and until the party notifies~~
25 ~~the court or the social services agency of a new electronic mail~~
26 ~~address in writing.~~

27 (b) *Except as provided in subdivision (c), the court may permit*
28 *a child who appears before the court and who is entitled to notice*
29 *of court proceedings to voluntarily provide the court with a*
30 *designated electronic mail address for the purpose of receiving*
31 *notice by electronic mail only under the following circumstances:*

32 (1) *If the child is 16 years of age or older, notice shall be served*
33 *by first-class mail, or if all of the following requirements are*
34 *satisfied, by electronic mail:*

35 (A) *The county, or city and county, and the court choose to*
36 *permit service by electronic mail.*

37 (B) *The child has consented to service by electronic mail by*
38 *signing Judicial Council Form EFS-005.*

1 (C) The attorney for the child has consented to service of the
2 minor by electronic mail by signing Judicial Council Form
3 EFS-005.

4 (2) If the child is 14 or 15 years of age, written notice may be
5 served on the child by electronic mail as well as by regular mail
6 if all of the following requirements are satisfied:

7 (A) The county, or city and county, and the court choose to
8 permit service by electronic mail.

9 (B) The child has consented to service by electronic mail by
10 signing Judicial Council Form EFS-005.

11 (C) The attorney for the child has consented to service of the
12 minor by electronic mail by signing Judicial Council Form
13 EFS-005.

14 (c) Notice of court proceedings by electronic mail is not
15 permitted in any of the following circumstances:

16 (1) For notice of any hearing at which the county welfare
17 department is recommending termination of parental rights, in
18 which case notice may only be served by electronic mail if
19 supplemental and in addition to first-class mail.

20 (2) If the social worker or probation officer knows or has reason
21 to know that an Indian child is involved, in which case notice shall
22 be given in accordance with Section 224.2.

23 (3) If the person entitled to notice is a child under 14 years of
24 age.

25 ~~(b)~~

26 (d) The Judicial Council may develop a form for the designation
27 of a permanent mailing address by parents and guardians for use
28 by the courts and social services agencies.

29 (e) This section shall remain in effect only until January 1, 2019,
30 and as of that date is repealed, unless a later enacted statute, that
31 is enacted before January 1, 2019, deletes or extends that date.

32 SEC. 16. Section 316.1 is added to the Welfare and Institutions
33 Code, to read:

34 316.1. (a) Upon his or her appearance before the court, each
35 parent or guardian shall designate for the court his or her
36 permanent mailing address. The court shall advise each parent or
37 guardian that the designated mailing address will be used by the
38 court and the social services agency for notice purposes unless
39 and until the parent or guardian notifies the court or the social
40 services agency of a new mailing address in writing.

- 1 ***(b) The Judicial Council may develop a form for the designation***
- 2 ***of a permanent mailing address by parents and guardians for use***
- 3 ***by the courts and social services agencies.***
- 4 ***(c) This section shall become operative on January 1, 2019.***